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28 Apr 2005 Reply to  
28 Oct 2004 Office Action

### **Remarks**

After the foregoing amendment, claims 42 – 53 are pending in the present application. Claims 1 – 41 have been cancelled without prejudice. New claims 42 – 53 have been added, with claims 42 and 48 being the independent claims.

### ***Information Disclosure Statement***

The Office Action states that the references to a plurality of web site addresses shown on PTO Form 1449 do not constitute a proper Information Disclosure Statement (“IDS”). However, Applicant is unaware of any IDS and Applicant respectfully notes that neither Applicant’s file nor the PAIR system show that an IDS was filed. In the event that an IDS was filed, Applicant respectfully requests that a copy of the IDS be provided to Applicant so that Applicant may submit an appropriate response.

### ***Specification***

The Office Action states that the title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter to which the claims are directed. Accordingly, new independent claims 42 and 48 are directed toward systems and methods for network based marketing. Applicant respectfully submits that the title is now descriptive of the nature of the subject matter of the claimed invention such that one having ordinary skill in the art would understand the nature of the subject matter.

### ***Claim Objections***

Claims 37 – 41 having the incorrect dependency have been cancelled.

### ***Claim Rejections***

Claims 30 and 36 were rejected under section 102(b) as being anticipated by U.S. Patent No. 5,793,972 (“Shane”). Claims 30, 32, 33, 36, 38 and 39 were rejected under section 102(b) as being anticipated by U.S. Patent No. 5,893,075 (“Plainfield”). Claims 31 – 35 and 37 – 41 were rejected under section 103(a) as being unpatentable over Shane, and claims 31, 34, 35, 37, 40, and 41 were rejected under section 103(a) as being unpatentable over Plainfield.

Applicant has submitted new claims 42 – 53 directed toward the subject matter that Applicant regards as the invention in original claims 17, 18, and 30. New independent claim 42 tracks to original claim 17 and includes all of the limitations of original claim 17 and its base claim

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and the intermediate claims. New independent claim 48 tracks to original claim 30. Applicant respectfully submits that the cited references do not teach every element of the claimed invention as set forth in the pending independent claims.

In particular, the claimed invention is directed toward a computer implemented system for marketing the services of a service provider over a computer network. The claimed system requires a database of client profiles where each client profile includes a network address for the client. The claimed system also requires a scheduling module that is configured to manage a schedule of events for the service provider and identify an event on the service provider's schedule of events that pertains to a first client. The claimed system also requires a merge module that is configured to create a personalized promotion addressed to the first client at the first client's network contact address. The personalized promotion is required to include a personalized message, the identified event that pertains to the first client, and a reference providing network access to the scheduling module. The claimed system also requires a communication module that sends the personalized promotion to the first client via a communication network.

The Shane and Plainfield references do not individually or in combination teach the claimed combination of elements. Specifically, Shane does not teach a scheduling module configured to manage a schedule of events for a service provider and a personalized promotion including a reference that provides network access to the scheduling module. Shane teaches a direct mail piece that is sent to an individual and the direct mail piece includes a URL containing a unique personal identification code for the individual that allows the individual to access a unique personalized interactive webpage. Shane does not provide any teaching or disclosure related to a service provider's schedule of events or providing a client with access to that schedule of events via reference in a personalized promotion that provides network access to the scheduling module, as required by independent claims 42 and 48.

Plainfield similarly lacks any teaching or disclosure related to a service provider's schedule of events or providing a client with access to that schedule of events via reference in a personalized promotion that provides network access to the scheduling module. Plainfield teaches an interactive data entry system that entices customers or potential customers to input data about themselves for storage in a customer database. Plainfield teaches that promotional messages may be generated by

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the system and sent to the customers. Plainfield does not teach a scheduling module configured to manage a schedule of events for a service provider and Plainfield also does not teach that a personalized promotion include a reference that provides network access to the scheduling module, as required by independent claims 42 and 48. The other cited references do not overcome the deficiencies of Shane and Plainfield.

Accordingly, Applicant respectfully submits that independent claims 42 and 48 are presently in condition for allowance. Furthermore, because the dependent claims further refine the inventions in the base claims, Applicant respectfully submits that the dependent claims are also in condition for allowance and a notice of allowance for all pending claims is respectfully requested.

**Conclusion**

If the Examiner has any questions or comments regarding the above Amendments and Remarks or in an interview would in any way facilitate the advancement of prosecution of this application, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,  
Procopio, Cory, Hargreaves & Savitch LLP

Dated: April 28, 2005

By: 

Patric J. Rawlins  
Reg. No. 47,887

Procopio, Cory, Hargreaves & Savitch LLP  
530 B Street, Suite 2100  
San Diego, California 92101-4469  
(619) 238-1900